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FAX COVER SHEET

Date October 4, 2006
Total Number of Pages 4 (Including this page)

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From Thomas R. Carey
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Client/Matter Number 0106699-00007

Message See attached.

If this transmission is incomplete, please call 312-558-6294.

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Thank you.

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BY FACSIMILE

October 4, 2006

Thomas J. Krueger
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

**RE: Ellsworth Industrial Park Superfund Site
EPA ID# ILN000508246
2537 Curtiss Street Property
Comfort / Status Letter Request
Inconsistent Response Action Determination Request**

Dear Mr. Krueger:

I would like to take this opportunity to again thank you and Mazin Enwiya for taking the time to meet with me and my various client representatives on Wednesday, September 13, 2006 to discuss aspects of the potential purchase of a commercial / industrial building located at 2537 Curtiss Street in Downers Grove, Illinois ("Site"). Our client is in the process of pursuing this purchase and, in support thereof, needs to memorialize (by way if this letter) that the meeting in fact took place and some of the various discussion topics covered. The following is my narrative of some of the discussions during the meeting. While we do not need a specific confirmatory response to this letter from the Agency, please let me know if I have made any material misstatements. Again, thank you for your time.

Meeting with USEPA:

The meeting was held at US EPA's Chicago offices on Wednesday, September 13, 2006 from approximately 1:30 pm to approximately 2:30 pm. The meeting was requested by Bell, Boyd & Lloyd LLC ("BBL") attorney, Tom Carey, to discuss, in part, issues associated with the Site vis-à-vis the EIP Superfund Site. The Site is within the boundaries of the Ellsworth Industrial Park ("EIP") Superfund Site. Representing the USEPA were Thomas Krueger (Asst. General Counsel) and Mazin Enwiya, the Remedial Project Manager for the EIP Superfund Site.

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In attendance (in addition to Messrs Krueger and Enwiya) were representatives of Carlson Environmental, BBL, and Industrial Kinetics, Inc.

Messrs Krueger and Enwiya stated that Remedial Investigation / Feasibility Study (RI/FS) activities at the EIP Superfund Site – including the Site – were scheduled to commence towards the end of September, 2006. These investigations are generally outlined in the RI/FS SOW prepared by USEPA's consultant (Weston). Mr. Enwiya reiterated that the RI/FS SOW can be found at USEPA – Region 5's web page for the EIP Superfund Site.

According to Messrs Krueger and Enwiya, investigations at the EIP Superfund Site will include, in part, soil vapor sampling, sub-slab sampling, soil sampling, and advancement of ground water monitoring wells. Messrs Krueger and Enwiya were informed that an "all appropriate inquiry" ("AAI") investigation was underway for the Site in order to establish that – in the event the Site was purchased – IKI, *et al*, qualified as a bona fide prospective purchaser under the Brownfields Amendments, and thereby eligible for CERCLA liability protection. Messrs Krueger and Enwiya were also informed that in the event the Site was purchased, subsurface work at various portions of the Site was planned (e.g. new, below-grade loading dock).

Messrs Krueger and Enwiya stated that USEPA would cooperate in providing guidance so that such below-grade work would not impact USEPA's RI/FS investigation, as well as what sorts of "reasonable steps" IKI would need to implement to maintain its bona fide prospective purchaser status going forward. In terms of a few examples of "reasonable steps" (in the event the Site was purchased), Mr. Krueger said that any such purchaser would need to provide Site access for RI/FS work so that planned sampling could occur. The owner would also need to allow USEPA's contractors to remove any hot spots of contamination identified by the RI/FS, and allow staging of any required remedial equipment or systems.

Mr. Enwiya stated that the three (3) goals of the RI/FS work for the EIP Superfund Site were: (i) to determine where sources of contamination are currently located; (ii) determine where such sources of contamination came from; and (iii) design a remedy to address such sources of contamination. Mr. Enwiya estimated that it would take approximately three (3) to four (4) months for the RI/FS process to run its course and that the costs of such work (including the ultimate remedy) would be borne by the PRPs identified for the EIP Superfund Site.

In terms of what steps any purchaser of the Site would need to follow before undertaking and below-grade work at the Site, Mr. Enwiya referred to an email he sent to BBL (dated July 26, 2006 and in response to a letter from BBL to USEPA dated July 21, 2006). This email (a copy of which is attached hereto) states, in part, as follows:

With regard to the proposed installation of a loading dock, we would be happy to review and comment on the scope of investigation that would ultimately be proposed by IKI. Regardless of the scope of the investigation proposed by IKI, the major concern we have with investigation in an area where a potential source could be located is the unearthing of source material. We recommend that you

Thomas Kruger & Mazin Enwiya

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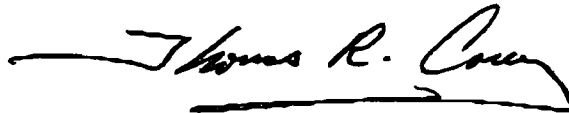
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develop plans for dealing with such potentially contaminated media and the disposal and handling of special/hazardous waste. We also recommend that the contractors performing the work are 40-hour HAZWOPER trained and certified to ensure proper handling and management of any waste generated.

Mr. Enwiya stated that he would be happy to review and comment upon any subsurface work plans planned for the Site so that appropriate work methods acceptable to USEPA could be implemented. Messrs Kruger and Enwiya both stated that the scope of what "reasonable steps" any purchaser of the Site would need to implement to maintain its bona fide prospective purchaser status would be better defined upon completion of the RI/FS process, and that USEPA would entertain issuing a letter or guidance to that effect upon completion of the RI/FS.

The above narrative is based upon my recollection and notes taken during the meeting. Please let me know as soon as possible whether you or Mr. Enwiya believe I have misstated anything. I have endeavored to be accurate. Again, thanks to you and Mr. Enwiya for taking time out of your busy schedules to help us address these important issues.

Very truly yours,



Thomas R. Carey

TRC:tyh
425673

Enclosure

Copy to: Mazin Enwiya - U.S. EPA (by fax)